

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>In re</i> Application of:)	Confirmation No. 4604
)	
BARNETT <i>et al.</i>)	Group Art Unit:
)	
Serial No. 10/571,882)	Examiner: HUMPHREY
)	
Filed: December 12, 2006)	Atty. Docket No. 032441.00141

For: **COMBINATION APPROACHES FOR
GENERATING IMMUNE RESPONSES**

RESPONSE TO RESTRICTION REQUIREMENT

U.S. Patent and Trademark Office
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This paper responds to the Restriction Requirement mailed March 12, 2009. Charge the fee for a one-month extension of time to our Deposit Account No. 19-0733.

Applicants elect Group I and species (i) (HIV immunogens encoded by different subtypes) *with traverse*.

The Manual of Patent Examining Procedure sets forth two criteria that must be met to make a proper restriction requirement. First, as stated in 35 U.S.C. § 121, the inventions must be independent or distinct. Second, there must be a “serious burden” on the examiner to justify the restriction. M.P.E.P. § 803. The M.P.E.P. further states that a serious burden may be *prima facie* shown “if the examiner shows by appropriate explanation either separate classification,

separate status in the art, or a different field of search as defined in MPEP § 802.02.” On the other hand, “[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” M.P.E.P. § 803.

In this case, the *prima facie* showing of a serious burden has not been met. A search of the subject matter of Group I will necessarily search the subject matter of Group II. Please withdraw the Restriction Requirement.

Respectfully submitted,
BANNER & WITCOFF, LTD.

/Lisa M. Hemmendinger/

Dated: May 6, 2009

By: _____
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